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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,330	02/28/2002	Thomas Joseph McBlain	P21781	5631

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EXAMINER

GAUTHIER, GERALD

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/084,330	<b>Applicant(s)</b> MCBLAIN ET AL.	
	<b>Examiner</b> Gerald Gauthier	<b>Art Unit</b> 2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. **Claim(s) 24 and 35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors such as "a condition based on condition information is met".

For the purpose of continuing prosecution the examiner understand this limitation as "a condition based on information is met".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim(s) 24-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch et al. (US 6,804,716 B1) in view of McAllister et al. (US 6,101,242).

Regarding **claims 24**, Koch discloses a service control point for controlling an outbound call using a subscriber's outbound call rule information (FIG. 1 and column 1, lines 18-20), comprising:

a receiver that receives the outbound call rule information (column 3, lines 56-60);

a memory that stores the outbound call rule information (column 4, lines 1-7);  
and

wherein the stored outbound call rule information is configurable by a subscriber and is comprised of at least one rule, and wherein each rule is comprised of a portion of the action information and a portion of the condition information (column 5, lines 46-60).

Koch fails to disclose a sender that sends at least one service control point control message based on action information when a switch message is received and a condition based on condition information is met.

However, McAllister teaches a sender that sends at least one service control point control message based on action information when a switch message is received and a condition based on condition information is met, the switch message being received from a switch at the service control point in response to the outbound call being placed to a dialed number and received at the switch, and the service control point control message being sent to the switch for controlling the outbound call received at the switch (column 14, lines 37-49).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Koch using the teaching of a sender sending information to the SCP as taught by McAllister.

This modification of the invention enables the system to have a sender that sends at least one service control point control message so that the system would identify the caller for special services.

Regarding **claims 25 and 37**, Koch discloses a service control point, wherein the condition information further comprises at least one condition related to at least a portion of the dialed number (column 5, lines 46-60).

Regarding **claims 26 and 38**, Koch discloses a service control point, wherein the action information comprises information related to forwarding the outbound call to a number other than the dialed number (column 5, lines 46-60).

Regarding **claims 27 and 39**, Koch discloses a service control point, wherein the action information comprises information related to submitting a personal identification number (column 5, lines 46-60).

Regarding **claims 28 and 40**, Koch discloses a service control point, wherein the action information comprises information related to sending a page to a paging device (column 5, lines 46-60).

Regarding **claims 29 and 41**, Koch discloses a service control point, wherein the action information comprises information related to disallowing the outbound call (column 5, lines 46-60).

Regarding **claims 30 and 42**, Koch discloses a service control point, wherein the action information comprises information related to prepending at least one prefix number to a dialed number sequence (column 5, lines 46-60).

Regarding **claims 31 and 43**, Koch discloses a service control point, wherein the action information further comprises a dial-around code, and wherein the action further comprises routing the outbound call via a carrier associated with the dial-around code (column 5, lines 46-60).

Regarding **claims 32 and 44**, Koch discloses a service control point of claim 25, wherein at least one rule comprises a plurality of actions (column 5, lines 46-60).

Regarding **claims 33 and 45**, Koch discloses a service control point of claim 24, wherein at least one rule comprises a plurality of conditions (column 5, lines 46-60).

Regarding **claims 34 and 46**, Koch discloses a service control point, wherein the outbound call rule information comprises a plurality of rules (column 5, lines 46-60).

Regarding **claims 35**, Koch discloses a method for controlling an outbound call using a subscriber's outbound call rule information (FIG. 1 and column 1, lines 18-20), comprising:

receiving outbound call rule information configured by a subscriber (column 3, lines 56-60);

storing the outbound call rule information at a service control point (column 4, lines 1-7);

wherein the stored outbound call rule information comprises at least one rule (column 5, lines 46-60); and

wherein each rule comprises a portion of the action information and a portion of the condition information (column 5, lines 46-60).

Koch fails to disclose sending from the service control point to a switch at least one service control point control message.

However, McAllister teaches sending from the service control point to a switch at least one service control point control message based on action information when a switch message is received and a condition based on condition information is met, the switch message being received from the switch at the service control point in response to the outbound call being placed to a dialed number and received at the switch, and the service control point control message being sent to the switch for controlling the outbound call received at the switch (column 14, lines 37-49).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Koch using the teaching of a sender sending information to the SCP as taught by McAllister.



This modification of the invention enables the system to send from the service control point to a switch at least one service control point control message so that the system would identify the caller for special services.

Regarding **claims 36**, Koch discloses a method, further comprising: receiving at the service control point from the switch the switch message in response to the outbound call being placed to a dialed number (column 5, lines 46-60); and

sending from the service control point to the switch the service control point control message, wherein the switch initiates an action based on the action information (column 5, lines 46-60).

### ***Response to Arguments***

7. Applicant's arguments with respect to **claim(s) 24-46** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald Gauthier  
Primary Examiner  
Art Unit 2614



GG

December 3, 2006